

FIRST REGULAR SESSION

# SENATE BILL NO. 124

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0604S.011

## AN ACT

To amend chapter 389, RSMo, by adding thereto four new sections relating to the local community rail security act of 2007, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 389, RSMo, is amended by adding thereto four new sections, to be known as sections 389.1100, 389.1103, 389.1106, and 389.1109, to read as follows:

**389.1100. 1. Sections 389.1100 to 389.1109 shall be known and may be cited as the "Local Community Rail Security Act of 2007".**

**2. By February 8, 2008, every operator of rail facilities in this state shall provide to the Missouri state emergency management agency, the Missouri office of homeland security, and the Missouri department of transportation multimodal operations a risk assessment of all rail facilities in this state. The risk assessment shall describe the following:**

**(1) All facilities and their functions;**

**(2) The types of cargo that move through such facilities within the preceding twelve months, including the approximate quantities of hazardous materials and oil subject to Chapter 1 of Title 49 of the Code of Federal Regulations;**

**(3) The extent to which hazardous materials or oil are stored in rail facilities, including the location of such facilities and the approximate quantities of hazardous materials or oil stored;**

**(4) The location of any rail facility through which hazardous materials or oil is transported or at which such cargo is stored that lies within a fifteen mile radius of a school, hospital, nursing home, public utility, or public safety facility; and**

- 21           (5) The railroad's current security plan, which shall include:
- 22           (a) A description of the practices of the railroad designed to
- 23 prevent acts of sabotage, terrorism, or other crimes on rail facilities;
- 24           (b) The training program the railroad provides to its employees;
- 25           (c) The emergency response procedures of the railroad in dealing
- 26 with acts of sabotage, terrorism, or other crimes; and
- 27           (d) The procedures of the railroad in communicating with local
- 28 and state law enforcement personnel, emergency personnel,
- 29 transportation officials, and other first responders in the event of acts
- 30 of sabotage, terrorism, or other crimes.

389.1103. 1. By September 1, 2010, all rail operators shall have

2 in place a "Community Protection Plan" to protect rail infrastructure

3 in this state from acts of sabotage, terrorism, or other crimes.

4           2. The community protection plan shall specifically provide for

5 the security of critical infrastructure, which includes all points of

6 vulnerability of the rail system that handle hazardous cargo or oil,

7 including rights of way, yards, bridges, tunnels, and signal systems.

8           3. With respect to rail infrastructure, the community protection

9 plan shall:

10           (1) Describe the railroad's methods for protecting critical

11 infrastructure from acts of sabotage, terrorism, or other crimes;

12           (2) Describe the manner and substance of initial and recurrent

13 training provided by the railroad to its employees to enable them to

14 identify security threats and respond appropriately to acts of sabotage,

15 terrorism, or other crimes;

16           (3) The emergency response procedures of the railroad in dealing

17 with acts of sabotage, terrorism, or other crimes; and

18           (4) The procedures of the railroad in communicating with local

19 and state law enforcement personnel, emergency personnel,

20 transportation officials, and other first responders in the event of acts

21 of sabotage, terrorism, or other crimes.

22           4. With respect to any rail facility through which hazardous

23 materials or oil is transported or at which such cargo is stored that lies

24 within a fifteen mile radius of a school, hospital, nursing home, public

25 utility, or public safety facility, the community protection plan shall

26 also provide for:

27           (1) Inspection on a regular basis by personnel trained to

28 determine the condition of the facility and its vulnerability to acts of  
29 sabotage, terrorism, of other crimes;

30 (2) Storage of hazardous materials or oil only in secure facilities  
31 designed for such storage, which shall not include rights of way;

32 (3) Procedures to prevent leaving locomotive equipment running  
33 while unattended, and leaving unattended locomotive equipment  
34 unlocked;

35 (4) Methods by which the cabs of occupied locomotives may be  
36 secured against unauthorized entry; and

37 (5) Security for all remote control devices to prevent access to  
38 such devices by unauthorized personnel.

39 5. Each rail operator in the state shall provide a copy of its  
40 community protection plan to the state emergency management agency,  
41 the office of homeland security, and the department of transportation  
42 multimodal operations.

43 6. The department of transportation multimodal operations shall  
44 review the community protection plan and shall have the authority to  
45 order a railroad to improve, modify, or change its plan to comply with  
46 the requirements of sections 389.1100 to 389.1109. The department shall  
47 have the authority to fine a railroad fifty thousand dollars per day for  
48 failure to comply with its orders or sections 389.1100 to 389.1109.

49 7. The community protection plan shall be updated by the rail  
50 operator at least once every year, and the updated plan shall be  
51 submitted to the state emergency management agency, the office of  
52 homeland security, and the department of transportation multimodal  
53 operations.

389.1106. No railroad or any other person covered by sections  
2 389.1100 to 389.1109 may discharge or in any way discriminate against  
3 an employee who reports a violation of sections 389.1100 to 389.1109. An  
4 employee who alleges a violation of these sections may seek punitive  
5 damages of up to one million dollars for said violation, in addition to  
6 whatever other remedies may be available.

389.1109. 1. Sections 389.1100 to 389.1109 shall apply to  
2 railroads, contractors, or subcontractors working on the facilities of a  
3 railroad, and any other individual or corporation performing work on  
4 rail facilities in the state.

5 2. All employees of railroads, contractors, or subcontractors, and

6 other individuals or corporations performing work on rail facilities in  
7 the state, shall receive training in section 389.1103. In addition,  
8 employees of rail contractors or subcontractors, and other individuals  
9 or corporations performing work on rail facilities in the state, shall be  
10 required to undergo the same background, skills, and fitness for duty  
11 checks as employees of the railroad.

12 3. Unless opened by the agency it is submitted to, information  
13 submitted under sections 389.1100 to 389.1109 is a closed record.

Unofficial

Bill

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